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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/012,464	12/12/2001	Barry Hannigan	87264.2441	7184
30734	7590	02/09/2004		
BAKER + HOSTETLER LLP WASHINGTON SQUARE, SUITE 1100 1050 CONNECTICUT AVE. N.W. WASHINGTON, DC 20036-5304			EXAMINER TIEU, BINH KIEN	
			ART UNIT 2643	PAPER NUMBER
			DATE MAILED: 02/09/2004	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/012,464

Applicant(s)

HANNIGAN, BARRY

Examiner

BINH K. TIEU

Art Unit

2643

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-20 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1 is rejected under 35 U.S.C. 102(e) as being anticipated by Birnhak (U.S. Pat. #: 6,400,813).

Regarding claim 1, Birnhak teaches a call tracing system for use in a telephone system having nodes (i.e., SSP1-SSPn as shown in figure 2) in relationship to one another by communication links (i.e., SS7 links such as links 45-52) carrying signaling messages (i.e., MSUs) being used to setup voice channels in the telephone system to facilitate calls, the call tracing system comprising at least one element manager (i.e., mediators 65 and 66) coupled to probes (i) monitoring respective communication links (i.e., A-links 45 and 47) for signaling link messages related to a given call (col.3, line 56 – col.4, line 3 and col.4, lines 29-38) and (ii) issuing triggers with a time stamp to the element manager in response to detecting a signaling link message related to the given call (i.e., sending filtered data or messages with a time stamp, col.5, line 66 – col.6, line 15 and col.6, lines 51-56).

3. Claims 6-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Farris et al. (U.S. Pat. #: 5,802,145).

Regarding claims 6 and 12, Farris et al. ("Farris") teaches a method and apparatus for call tracing in a telephone system having nodes (SSP/EO 324, 326, 328, 330 as shown in figure 5) in relationship to one another by communication links carrying signaling messages being used to setup voice channels in the telephony system to facilitate calls (col.6, line 57 – col.7, line 52), the method comprising the steps of and means for:

entering telephone number criteria to be detected;
detecting message with telephone number criteria;
issuing a trigger upon detecting the telephone number criteria; and
stamping of the trigger with a time date stamp (col.8, line 61 – col.9, line 41; col.9, line 47 – col.11, line 29).

Regarding claims 7 and 13, note col.9, lines 1-3.

Regarding claims 8-11 and 14-17, note col.9, lines 4-17 and col.9, line 61 – col.10, line 6; and col.11, lines 15-24.

Regarding claims 18-20, note col.9, lines 1-8 and col.10, lines 27-36.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Birnhak (U.S. Pat. #: 6,400,813) in view of Pester, III (U.S. Pat. #: 5,475,732).

Regarding claim 2, Birnhak teaches all subject matter as claimed above, except for the element manager broadcasts the trigger with the time stamp to a subset of other probes within the system. However, Pester, III teaches each of Signaling Units (SUs) or messages having time stamp when they presented and received at monitors are transmitted to and temporarily stored at Stage 1 Process (col.50, lines 46-48). Such messages are then sent to Stage 2 Process are logged and compared against a user defined as a trigger of "Major Event Criteria Variable" (col.50, lines 58-61). The trigger is then decoded in a message of "Monitor Control Information" and sent to the appropriate monitor by an element manager such as the Stage 2 Controller or Process (col.51, lines 29-35).

Therefore, it would have been obvious to one of ordinary skill in the art the time the invention was made to incorporate the use of the teachings of broadcasts the trigger by the element manager with the time stamp to a subset of other probes within the system, as taught by Pester, III, into view of Birnhak in order to reset or to adjust threshold values of said monitors.

Regarding claims 3 and 4, Pester, III further teaches limitations of the claim in col.63, line 45 – col.64, line 25.

Allowable Subject Matter

6. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Binh K. Tieu whose telephone number is (703) 305-3963 and E-mail address: BINH.TIEU@USPTO.GOV.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Curtis Kuntz, can be reached on (703) 305-4708 and **IF PAPER HAS BEEN MISSED FROM THIS OFFICIAL ACTION PACKAGE, PLEASE CALL Customer Service at (703) 306-0377 FOR THE SUBSTITUTIONS OR COPIES.**

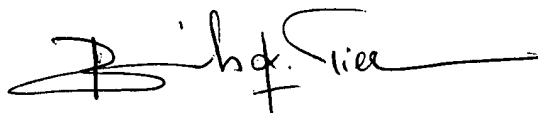
Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

Or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington VA, Sixth Floor (Receptionist, tel. No. 703-305-4700).



**BINH TIEU
PRIMARY EXAMINER**

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Date: January 30, 2004